

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

OMAR HERNANDEZ AND
IVAN GERARDO VALDIVIEZO,
Plaintiffs,

v.

MN LOGISTICS, INC. AND
CLARENCE GUY,
Defendants.

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Cause No. 15-CV-079-PRM

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

TO THE SAID HONORABLE JUDGE OF SAID COURT:

COME NOW Plaintiffs' Omar Hernandez and Ivan Gerardo Valdiviezo (collectively "Plaintiffs"), and Defendants' MN Logistic, Inc. and Clarence Guy (collectively "Defendants"), and submit their Stipulation of Voluntary Dismissal, pursuant to Rule 41(a) (1) of the Federal Rules of Civil Procedure, as follows:

WHEREAS, Plaintiffs, filed Plaintiffs' Original Petition on January 7, 2015 under Cause No. 2015DCV0037, and Citations upon the Defendants were issued on February 9, 2015; and

WHEREAS, On March 19, 2015, Defendants filed Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446, based upon diversity of citizenship under 28 U.S.C. §1332; and

WHEREAS, Plaintiffs filed a complaint on May 7, 2015 under Cause No. 15-CV-079-PRM alleging negligence of Defendants, Respondeat Superior, and damages; and

WHEREAS, on December 12, 2015, the Parties mediated the Cause No.15-CV-079-PRM and were able to reach an agreement.

NOW, THEREFORE, The Parties agree and stipulate as follows;

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties jointly stipulate to the voluntary dismissal of this action with prejudice.

2. Defendants shall pay to Plaintiff Omar Hernandez the amount of FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) and Plaintiff Ivan Valdiviezo the amount of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00). Plaintiffs' agree to accept such payment in full and final satisfaction of any and all claims in this case.

3. The parties agree that the court will retain jurisdiction to enforce paragraph 2 of this Stipulation, if necessary.

Respectfully submitted.



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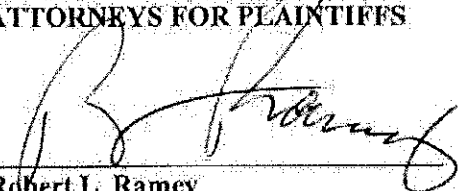
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

In compliance with Federal Rules of Civil Procedure, I certify that a true and correct copy of this document has been served on this the 28th of December 2015 to all counsel of record.

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